

The objection to claims 10, 16, and 20 under 37 CFR § 1.75(c) is respectfully traversed in view of the cancellation of these claims and their replacement with new claims 33-35 which are dependent on pending claims.

The rejection of claims 1, 4-6, 23, 26-27, and 30 under 35 U.S.C. § 103 for obviousness over Japanese Kokai Patent Application No. 1381452 to Kawaguchi et al. in view of European Patent No. 38,900 to Schwarz et al. ("Schwarz") is respectfully traversed in view of the cancellation of these claims.

The rejection of claims 7, 11, 17, and 21 under 35 U.S.C. § 103 for obviousness over U.S. Patent No. 3,823,995 to Carpenter in view of Schwarz is respectfully traversed in view of the cancellation of these claims.

By the above amendments, all claims have been canceled from the present application except for allowed claims 12, 13, and 22 and claims depending from those allowed claims. The canceled claims will be pursued through a continuation application.

Applicants submit that the present application is in condition for allowance and should be permitted to issue now. The issuance of multiple reissue patents is covered by new rule 37 CFR § 1.177 which becomes effective as of November 7, 2000. Under 37 CFR § 1.177(a), the U.S. Patent and Trademark Office may reissue a patent as multiple reissue patents. Pursuant to 37 CFR § 1.177(c), a single reissue application will not be permitted to pass to issue only if that application contains only unamended patent claims and does not correct an error in the original patent. This exception does not apply here, because independent claims 12, 13, and 22 have all been amended to require the use of a "polymethylcyclsiloxane". Support for issuance of the pending claims without delay is additionally found in the commentary for 37 CFR § 1.177(a) which, in pertinent part, reads as follows:

Following *Graff*, the Office has adopted a policy of treating continuations/divisionals of reissue applications in much the same manner as continuations/divisionals of non-reissue application. Accordingly, the former requirements of § 1.177 as to petitioning for non-simultaneous issuance of multiple reissue patents, suspending prosecution in an allowable reissue application while the other is prosecuted, and limiting the content of each reissue application to separate and distinct parts of the thing

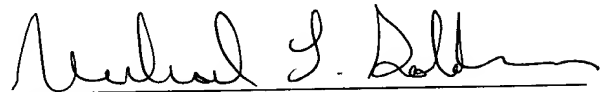
patented, are all eliminated. These requirements were considered unique to reissue continuations/divisionals, imposed additional burdens on reissue applicants, and are now inconsistent with the Federal Circuit's discussion of 35 U.S.C. § 251, ¶ 2, in *Graff*.

65 (175) Fed. Reg. 54604, 54645 (September 8, 2000) (copy enclosed). To cover any amendments to the pending claims after submission of the previously-filed declarations, a supplemental declaration is enclosed.

In view of all the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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